

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

OPENTV, INC. and NAGRA FRANCE S.A.S.,

Plaintiffs,

v.

VERIZON COMMUNICATIONS INC.,
VERIZON SERVICES CORP., VERIZON
CORPORATE RESOURCES GROUP, LLC,
VERIZON CORPORATE SERVICES GROUP
INC., VERIZON DATA SERVICES LLC,
VERIZON MEDIA, LLC, VERIZON AND
REDBOX DIGITAL ENTERTAINMENT
SERVICES, LLC, and AOL INC.,

Defendants.

Civil Action No. 6:15-cv-951 [JRG/KNM]

Judge Rodney Gilstrap

JURY TRIAL DEMANDED

**JOINT MOTION TO DISMISS WITHOUT PREJUDICE AS TO DEFENDANT
VERIZON COMMUNICATIONS INC.**

Plaintiffs OpenTV, Inc. (“OpenTV”) and Nagra France S.A.S. (“Nagra”) (collectively, “Plaintiffs”) and Defendant Verizon Communications Inc. (“VCI”) submit the following Joint Motion to Dismiss Without Prejudice as to Defendant VCI and in support thereof state:

1. On or about October 30, 2015, Plaintiffs filed suit against VCI and others for infringement of U.S. Patent No. 7,055,169; U.S. Patent No. 7,243,139, U.S. Reissue Patent No. RE40,334; U.S. Patent No. 7,900,229; U.S. Patent No. 6,678,463; U.S. Patent No. 6,233,736; and U.S. Patent No. 6,018,768 (collectively, the “Patents-in-Suit”).
2. VCI represents and warrants that:

- a. VCI is a holding company. Furthermore, VCI does not instruct, direct, or control the activities of its subsidiaries (or any other entity) relevant to the operation or design or functionality or features of any products and services at issue in this case.
 - b. VCI agrees that for purposes of discovery in this case, documents and information in the possession, custody or control of VCI are deemed also to be in the possession, custody and control of the other Verizon entities that are party Defendants in this matter.
 - c. The other Verizon entities that are party Defendants in this matter are able to satisfy any judgment entered in this case.
3. In reliance upon the representations and warranties made in paragraphs 2(a)-2(c) above, Plaintiffs agree to dismiss VCI without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.
4. VCI agrees that if Plaintiffs form a reasonable belief through later discovery that VCI is making, offering for sale, or selling in the United States, or importing into the United States, any of the products accused of infringement in the Complaint for Patent Infringement or any products that are substantially similar, VCI will not make any objections on the basis of timeliness to a motion to add VCI as a defendant in this action.

Dated: January 8, 2016

/s/ Jack Wesley Hill, w/permission by

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service, Local Rule CV-5(a)(3)(A), on this 8th day of January, 2016.

/s/ Michael E. Jones
Michael E. Jones